3432 x 23

PETITIONS

FROM

PRINCE EDWARD ISLAND,

ADDRESSED TO THE KING,

REPRESENTING THE CONDUCT OF

LIEUT.-GOVERNOR CHARLES DOUGLASS SMITH;

THE

DEFECTIVE STATE OF THE ADMINISTRATION OF JUSTICE;

AND CONCLUDING WITH

A PRAYER FOR HIS REMOVAL FROM OFFICE.

LONDON:
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1824

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THE Subscriber being called upon by the general voice of Prince Edward Island, to take upon him the presentation of their Petitions to the King, and being confident that nothing but the serious interposition of His Majesty's Government could save the landed and commercial interest of the Island from total ruin, at the earnest request of the principal inhabitants, he agreed to undertake the public duty of becoming the bearer of their complaints.

The following Petitions are founded on the Resolutions of the inhabitants assembled in County Meetings, under the sanction of the High Sheriff of the Island, in March last. The Resolutions were agreed to without one dissenting voice, and Committees of eight persons in each county chosen to embody the whole in Petitions addressed to the King. Great exertions were made by the Lieutenant-Governor's family and a few others in behalf of the Colonial Government, to prevent their being generally signed, and when it was understood that they had been carried round the Island for the signature of the inhabitants, and were nearly ready to be transmitted, a proceeding was instituted in the Court of Chancery against the members of the Queen's County Committee, under which it was intended to get hold of the Petitions and imprison the Subscriber and the other members of the Committee, and thereby effectually prevent their ever reaching this country; of this proceeding, and that the principal object thereof was his detention, he only received notice two hours before the attempt was made, and

being certain, from his knowledge of the public feeling on the subject, that his being committed to prison, and the Petitions falling into the Lieutenant-Governor's hands, would endanger the peace of the Colony, he next day left the Island and proceeded to Nova Scotia, under the laws and public authorities of which he was safe from the power of Lieutenant-Governor Smith. The other Members of the Committee were served with the process of the Court of Chancery, and were for sometime detained in the custody of a Serjeant at Arms, when his Excellency becoming alarmed at the general indignation with which his proceedings were viewed by the Colony, he thought fit to discontinue them until, as he says himself, he should be possessed of the means of enforcing his judgments in the case.

J. STEWART.

London, March 17th, 1824.

KING'S COUNTY PETITION.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

WE, your Majesty's faithful and affectionate Subjects, the Freeholders, Householders, and other Inhabitants of King's County in Prince Edward Island, assembled by public notice from the High Sheriff of the Island on the thirteenth of March last, to take into consideration the present alarming and distressed state of the Colony, beg leave to approach your Majesty with sentiments of the most loyal and devoted attachment to your Majesty's person, family, and government, and to lay at your Majesty's feet this our humble representation and petition, stating the conduct of Charles Douglass Smith, Lieutenant Governor of this Island; in the ardent and anxious hope that your Majesty will be graciously pleased to command such an investigation into the state of this Colony under his administration, as to your Majesty in your royal wisdom may seem proper and adequate to produce a full and satisfactory exposition thereof.

That your Majesty's Subjects assembled on this occasion entered into a number of Resolutions, stating the following specific charges against the said Lieutenant Governor Charles Douglass Smith, which they are ready to make good at any inquiry which your Majesty may be graciously pleased to order on the subject thereof, under which charges your Majesty's petitioners state, that ever since the Lieutenant Governor entered upon the Administration of this Government, he has conducted himself towards your Majesty's Subjects therein with harshness, injustice, and contumely, of which we beg leave to adduce the following instances:—

First. That, in January, 1818, he caused proceedings to be instituted for enforcing payment of your Majesty's Quit Rents, when the New Scale thereof, announced in his own public proclamation of the 8th of October, 1816*, to be then under your Majesty's consideration, was still undetermined on, whereby many of your Subjects in this County suffered severely, and were much injured in their

* See Appendix, Note I.

property, notwithstanding the relief afterwards granted to them under your Majesty's gracious Orders, by which all that had been exacted from them above the rate of two shillings per hundred acres was returned, yet as the amount paid (with heavy costs and expenses which were not returned) was raised by the forced sale of their property at less than one third of its general current value, the relief graciously intended by your Majesty fell far short of a remuneration for the loss which this unauthorized proceeding brought upon them.

Second. That in January last a similar scene of extortion took place, by the Lieutenant Governor's orders, on pretence of again enforcing payment of your Majesty's Quit Rents, whereby your Majesty's Subjects in this County suffered great loss and injury under a proceeding totally unnecessary, if regular payments of the Quit Rents according to the arrangement approved of by your Majesty in 1818, had been called for by the Acting Receiver-General ; instead of which that officer refused to receive payment from various persons during the years 1819, 1820, 1821, 1822, which induced your Majesty's petitioners to believe that no farther payment on account of Quit Rents would be called for, particularly as they observed that Quit Rents were not demanded from your Majesty's Subjects in the neighbouring Colonies ; that on this occasion the first intimation they had of the demand was by seeing the Acting Receiver-General's Bailiffs coming among them to enforce the payment of four and a half years' arrears, with costs equal, in most instances in this County, to twenty years' Quit Rent on a hundred acres. That this proceeding, without notice, was commenced in the middle of a severe winter, with a great depth of snow on the ground, and your Majesty's petitioners compelled to give promissory notes for the amount of the demand payable in ten days, to realize which they were under the necessity of immediately resorting to the Capital of the Island, with such articles of agricultural produce as they were possessed of, and were likely to meet a market in that place, and there to dispose of the same at a rate which would not constitute any thing like a remuneration for the labour and expense of the journey they had to perform.

Third. That in addition to the hardship of this proceeding, we humbly beg leave to state to your Majesty that the same took place at a time when little or no money was in circulation in the Colony, and when it was

nearly impossible to comply with the demand; small as the amount may appear, the majority of the resident landholders having no means of meeting it, but by a great sacrifice of their property, which they were called on to submit to, while the smallest satisfaction was refused to the Colony as to the authority under which the demand was now made by a person styling himself Acting Receiver-General, after an interruption of four and a half years in the collection, during which time tenders of payment from many individuals were refused. That by the constitution of the office of Receiver of your Majesty's Quit Rents in this Island it appears that the proceedings of the person holding that appointment are to be conducted under the directions of the Lords Commissioners of your Majesty's Treasury; Mr. Carmichael, the person now holding the same, was appointed thereto more than six years since by Lieutenant Governor Smith, and nothing has ever appeared to satisfy the Colony that his appointment has been approved of or confirmed by their Lordships, while we have been from the result of the proceedings carried on under the directions of Lieutenant Governor Smith in 1818, *that these proceedings were unauthorized by their Lordships.*

Fourth. That your Majesty's petitioners humbly crave your Majesty's paternal attention to the extraordinary management under which these proceedings have been conducted after the lapse of four years and a half without any demand for payment being made, and when many circumstances had led your Majesty's petitioners to believe that unless the payment of Quit Rents was enforced in the neighbouring Colonies at the same time, that no farther demand would be made on them; under these circumstances they naturally expected that a communication from authority would have been made to the Colony, announcing to your loyal and affectionate Subjects, the landholders thereof, that the demand for payment, after so long an interruption to the collection, was authorized and directed by the Lords Commissioners of your Majesty's Treasury, and not as in 1818, the act of Lieutenant Governor Smith, and at the same time we might have expected that sufficient notice to enable your Majesty's petitioners to comply with the demand without subjecting them to a ruinous sacrifice of property would have been given; instead of which, the only notice ever given or pretended to be given was an obscure and

ambiguous Advertisement*, as will be seen on the face thereof, put up by the Acting Receiver in a few places about Charlotte Town, the Capital of the Island, in December, intimating that the Quit Rent Office would be open from the First to the Fourteenth of January inclusive, for three hours a day; and this same notice, which contained no demand, was so managed that it never was heard of, or known to one tenth part of the landholders, and the first knowledge they generally had thereof, was by seeing the Acting Receiver-General's Bailiffs coming among them to distrain their property for not complying with a demand of which they had never heard, at the same time insisting on the payment of heavy expenses, as hereinbefore mentioned. These circumstances, we humbly conceive, mark strongly that the intention of proceedings conducted in this manner, was for the double object of giving a legal colour to the demand of heavy expenses in addition to the arrears of Quit Rent, and in case of resistance to the same, support to the Lieutenant Governor's accusation of disaffection, which he has thought fit to impute to your Majesty's Subjects in this Island without the smallest foundation. Such, may it please your Majesty, is the conduct observed by Lieutenant Governor Smith, and his Son-in-law, the Acting Receiver of Quit Rents on this occasion, and we feel the utmost confidence that the loss and injury which we have thereby suffered, and which fell with great severity on this County, could never have been intended by your Majesty's confidential Servants.

Fifth. That Lieutenant Governor Smith has not, since his residence in this Island, a period of ten years, been absent from Charlotte Town, except on one occasion that he ventured about eighteen miles from thence for two days; that he has therefore failed in his duty to make himself acquainted with the actual state of the Country committed to his charge by personal observation and inspection, and is in absolute ignorance of its state and condition, to the manifest dereliction of the trust reposed in him, to the great injury of the Island in various ways, but more particularly to the extensive neglect of the High Roads and Bridges in this County and the constant misapplication of the Public Money, and the Statute Labour of the Inhabitants thereof to

* See Note II, Appendix.

these highly important objects, by which our progress and prosperity has been greatly impeded and prevented.

Sixth. That great loss and injury has resulted to several of the Proprietors and Inhabitants of this County, by the illegal and oppressive measures adopted by the Lieutenant-Governor, for locating and laying out the reservations in the different Townships for Church and school lands, the whole of which have been taken in some instances out of the property of persons holding but a small comparative extent of land in the Township, and in other instances these reservations have been located in one moiety of a Township, originally granted in severalty, and the other moiety has been thereby entirely exempted from contributing any part of the extent required, to make up the full compliment of the reservation of one hundred and thirty acres in each Township, a state of things evidently contrary to common sense and honesty, and attended with the farther absurdity if persisted in, of defeating, in a great measure, the original object of the Reservation, as by such ill-chosen and inconvenient locations, the site of the future Church and School will be at such a distance from the principal part of the Inhabitants of the Township, as to be of little or no value in promoting the object thereof. That in other cases, these Reservations have been taken within the Boundaries of Farms long occupied and more or less improved by the Proprietors or their Tenants, without any allowance or consideration for the same being made; that in all the cases herein referred to, other Locations equally valuable and convenient for the object might have been made, to which no objection exists, and which would have avoided all interference with the rights of the Proprietors and Landholders of the respective Townships, while the injury complained of is apparently without other object, than that of compelling the party thereby aggrieved to resort to the Court of Chancery for redress, where His Excellency sits as sole Judge, upon a claim which must be prosecuted in opposition to what he considers as legally within his power and authority as Lieutenant-Governor, and where the Costs of such a proceeding, according to the now general rate thereof, will amount to a much larger sum than the present fee simple value of the Land sought to be recovered, and while there is not at this day one of these Reservations occupied, or likely to be occupied, for the purpose thereof, during the life of any person now in existence.

Seventh. That the Inhabitants of this County have suffered most oppressive exactions in the shape of Custom-House fees, the effect whereof has operated with great severity on the export of our agricultural produce to the Markets of Newfoundland and Halifax, where the prices obtained for the last two years have been so low, as in many instances to produce on the sale of a Cargo only sufficient to pay the Freight and the Custom-House charges, *though at both these ports the amount of the latter does not exceed one half the sum which we are compelled to pay at your Majesty's Custom-House in this Island.* That this evil has been long felt and repeatedly complained of without obtaining any redress, a misfortune which we attribute to the officers being protected by Lieutenant-Governor Smith, (his son Henry being for three years past at the head of the Department), whereby they are enabled to obtain a decision in their favour on these complaints, without the Facts or Statement transmitted in answer thereto being ever seen by or communicated to the Complainants, or any reply thereto being called for or permitted.

Eighth. That in January, 1818, the Lieutenant-Governor constituted a Court of Escheats without legal authority, and therein prosecuted to condemnation the valuable and extensive Tract of Land or Township, Number 55, part of this County, in an illegal and oppressive manner, and in violation of his own Public Proclamation of the 8th of October, 1816 *, announcing to the Colony your Majesty's gracious intentions of extending immunity to the Proprietors of Land in this Island from the Forfeitures to which they were liable under the terms of their Original Grants, and that this proceeding was commenced and brought to a close before the absent Proprietors thereof could be made acquainted therewith, thereby depriving them of every means of protecting their rights, a proceeding which your Majesty's Petitioners are apprehensive may hereafter be drawn into a Precedent, under which your Majesty's Subjects in this Island may be deprived of their whole property. As the sentence of Forfeiture against the Proprietors of one of the best-settled and improved Townships on the Island,

* See the Proclamation in a note on the first charge: in June 1818, five months after this proceeding, his Majesty was pleased, according to the promise of immunity from forfeiture announced in this proclamation, to grant a full release from the obligation of settling the lands, with foreign Protestants, and they may now be settled with persons from any country, without inquiring as to their particular religious tenets.

was therein declared to proceed on that condition of the Grant, which required the Township to be settled with Foreign Protestants, instead of which this valuable Township, containing 20,000 acres, was chiefly settled by persons of the Roman Catholic Religion from Scotland, a Population which certainly did not fulfil the Terms of the Grant in favour of the Original Proprietors and their Heirs, but which afterwards so far found favour in the Lieutenant-Governor's eyes, that he was pleased to give them Grants under the Great Seal of the Island, for a considerable part of the Township thus escheated, though their previous settlement thereon, under the title of the Original Proprietors, was held insufficient to preserve the rights of the latter from Forfeiture.

Ninth. That your Majesty's Subjects in this County, in common with their fellow Subjects in Queen's and Prince County, humbly request your Majesty's gracious attention to the treatment which our Colonial Legislature has experienced from Lieutenant-Governor Smith. who has proceeded to insult, vilify, and calumniate, the House of Representatives, and to reduce and dishonour your Majesty's Colonial Council, and for nearly three years past to deprive the Island of all benefit or protection from its Colonial Legislature, in proof of which we humbly state the following extraordinary facts.

Tenth. That in November, 1818, he did most unconstitutionally refuse to receive an Address from the Lower House of Assembly, in Answer to his Speech at the opening of the Session, and persisted in refusing the same, after he had appointed an hour to receive the House with the said Address, such refusal being a breach of the Privileges of the House, highly injurious to the Colony, and intended to prevent the true state of its Public affairs from reaching the knowledge of your Majesty's confidential Servants.

Eleventh. That in addition to this Public Insult to the Colony, the Lieutenant-Governor sent a Message, on the 15th of December, to the Assembly, requiring both Houses to adjourn to the 5th of January following; and before the business in which they were then occupied was finished, and when the Lower House was on the point of adjourning, according to the purport of the said Message, it was insulted by Mr. Carmichael, the Lieutenant-Governor's Son-in-law and Secretary, who, advancing withinside the Bar, addressed the Speaker loudly in these words: "*Mr. Speaker, if you sit in that chair one*

*minute longer, this House will be immediately dissolved**," at the same time shaking his fist at the Speaker; and while the House was engaged in considering the means of punishing this insult, the Lieutenant-Governor sent into the House for the Speaker, *and holding up his watch to him, said he would allow the House three minutes, before the expiration of which, if it did not adjourn, he would resort to an immediate dissolution*, thereby exhibiting a degree of illegal violence and unconstitutional conduct, of which we believe there is no other instance to be met with in the behaviour of a Colonial Governor under your Majesty's authority; and this extraordinary conduct was soon after followed by a Prorogation of the Legislature, in consequence of the House having committed to Jail the Lieutenant-Governor's Son, Mr. Henry Smith, for breaking the windows of the apartment in which the House was then sitting.

Twelfth. That at the same Session of the Legislature, the Lower House preferred Thirteen serious and important charges against Thomas Tremlet, Esq. Chief-Justice of the Island, and addressed the Lieutenant-Governor, praying that he would suspend the Chief-Justice until your Majesty's pleasure therein should be known; but instead of complying with the request of the House, though it was well known that the Lieutenant-Governor was in the constant habit of expressing the most decided disapprobation of the Chief-Justice's conduct and character, he thought fit, on this occasion, to interpose his opinion in opposition to these Charges, whereby all inquiry into their Validity has been hitherto evaded, and that change in the office which the Colony has long anxiously desired has been prevented†.

Thirteenth. That the Accusation transmitted against the Conduct of our Representatives in that Session of the General Assembly, by the Lieutenant-Governor, to Earl Bathurst, your Majesty's principal Secretary of State for the Colonies, were most unjust; and the declaration on oath, of certain persons to us unknown, which was sent therewith, in support of the Lieutenant-Governor's Representations, on the faith of which it appears that his Lordship declined laying the Address of the Assembly before your Majesty, was unfounded in truth, and a gross misrepresentation, of which the Lieutenant-Governor

* This gentleman has since been advanced to the important office of Colonial Secretary, Registrar, and Clerk of the Council.

† See these charges in Note IV.

was so conscious, that at the next Meeting of the Legislature, when the House addressed him requesting a a copy of the said Declaration, he refused to communicate the same, *pretending that the House had no right to examine into what had passed at a former Session of the Assembly!!* since which he has declined to meet the Legislature of the Island, knowing well that the Lower House have it in their power, and would most likely enter into such proceedings as would prove to your Majesty the unworthy means to which he has resorted for the purpose of concealing his own conduct and the real state of the Colony from your Majesty.

Fourteenth. That in 1821, your Majesty's subjects in this island being desirous to establish Fisheries on the coast thereof, for that purpose humbly addressed the Lieutenant-Governor, praying that he would hold a Session of the Assembly, and earnestly pressed upon his attention the necessity that existed for a Meeting of the Legislature, that such measures might be adopted as were required to give a beginning to that object, and which the community was most anxious about, but far from entering into our feelings, or the important interests in view, his Excellency declined Meeting the Legislature, considering only the unhappy necessity he had brought upon himself of depriving the Colony of every opportunity of laying at your Majesty's feet, through the proceedings of its Representatives, his own improper conduct and the actual state of the Colony, the consequence of which has been severely felt in the increasing difficulties of the island, and the nearly total want of all circulating medium therein, so as to deprive even persons of extensive and valuable property, of the means of paying in money the ordinary disbursements of their domestic expenditure, and at the same time placing persons of small property though otherwise of competent means to meet all their engagements, absolutely in the power of their Creditors, *who may now sacrifice their whole property for claims only amounting to a few shillings.*

Fifteenth. That having contrived for three years past to deprive the Colony of all benefit or support from the Lower House of Assembly, the Lieutenant-Governor has also accomplished the total degradation of your Majesty's Colonial Council, which by the Royal Commission and Instructions should be selected from among the persons

of most property and consideration in the Colony, but as now modelled by Lieutenant-Governor Smith, consists only of Five Members, the Senior of whom being long disabled by age and infirmity, cannot attend at the Board; to the seat of the second, if the others were properly occupied, little objection could be made; the Third Member is the Chief Justice, who takes his seat at the Board ex-officio, but who certainly enjoys less of the consideration and respect of his fellow-subjects, than any other person who has yet held his important office in the Colony. The Fourth Member is Mr. Ambrose Lane, a Lieutenant on the half-pay of the late 98th Regiment, now Town Major of Charlotte Town, and without any other connexion with the Island when he was brought into the Council, than his having then recently married a daughter of the Lieutenant-Governors. The Fifth Member is a Mr. William Pleace, who came to the Island a few years ago, as a Clerk and Contracted Servant to a Mercantile Establishment, from which trust he has since been dismissed, and now keeps a petty shop of his own, where he retails spirits, being the first instance we ever heard of, of a person in such circumstances being brought into a seat at a Colonial Council Board: such, may it please your Majesty, is the actual present composition of that body which should be looked up to as the Constitutional Support of the Colonial Administration, and which also performs the functions of the Upper House in the Legislature of the Island, and likewise exercises with the Lieutenant-Governor an important Appellate Jurisdiction in Causes from the Supreme Court, in all cases where the value in dispute amounts to the sum of Three Hundred Pounds; according to the original practice and constitution of the Board, such Appeals could only be proceeded upon in the presence of Five Members, but at the Hearing of a recent Appeal, when the Value of the Property liable to the effect of the decision was much above Ten Thousand Pounds, the Board consisted only of the Lieutenant-Governor, Mr. Lane, and Mr. Pleace, the discarded Servant of the Appellants. To this state of the present composition of your Majesty's Colonial Council in this island, we have to add that in 1819, two of the most useful and intelligent members were dismissed from their seats when the Legislature was in Session, without any apparent reason, other than might arise from their superiority over the rest, one of

them being your Majesty's Attorney-General of the Island.

Sixteenth. That the Lieutenant-Governor, as Chancellor, has permitted a heavy and most vexatious addition to the fees attending the usual proceedings before himself in that Court, which has taken place since he appointed to the office of Register and Master thereof his Son-in-Law, Mr. Ambrose Lane, a military man, unacquainted with the duties of such an office, thereby at the same time uniting in his person duties and appointments of the most opposite and inconsistent nature, proving, in the strongest manner, that the Lieutenant-Governor considers the interests of his own Family as paramount to every consideration of decency and propriety in the distribution of the Public Patronage to office at his disposal*.

Seventeenth. That when the Grand Jury of the Island, assembled at the Hilary Term of your Majesty's Supreme Court of Judicature found Bills of Indictment against the Acting Receiver's Deputies for Extortion, and when the Trial of the accused was on the point of commencing, the Attorney and Solicitor General were sent for by the Lieutenant-Governor, and on their return into Court, it appeared that no Trial was to take place, the Accused being withdrawn from the justice of the country by the interference of the Lieutenant-Governor; thereby shewing in the clearest manner the total want of Protection which your Majesty's Subjects labour under from the Laws and Institutions of the Country, under the Administration of Lieutenant-Governor Smith.

Eighteenth. That the Lieutenant-Governor has in an arbitrary and illegal manner, by Instrument under the Great Seal of the Island bearing date three days before its actual existence, taken upon himself to supersede John Mac Gregor, Esquire, High Sheriff of the Island, regularly appointed to that Office under the authority and directions of our Colonial Statute for the regulation thereof, without the existence of any charge Public or Private against him, appointing to the Office the person who had been Mr. Mac Gregor's Under Sheriff, but previously dismissed by him from the said Office, and who has not been obliged to give the usual Security required by Law, and whose first Act was to expunge from the Panel of the Grand Jury, after the same had been re-

* See Note 4.

turned into the Crown Office by the High Sheriff, the Names of two respectable Individuals, then in Court in obedience to the Summons, thereby creating a general alarm for the Public Security, and the highly important Rights and Duties vested in Jurors legally and regularly summoned.

Nineteenth. That it is with much concern and indignation that your Majesty's Petitioners have lately learned that the Lieutenant-Governor has, on various occasions, charged your loyal subjects, the Inhabitants of this Island with turbulence and disaffection to your Majesty's sacred Person and Government, and the Constitution of our beloved Parent Country, a charge for which we are confident there does not exist the smallest ground; and we do for ourselves and fellow-subjects in this Island most solemnly deny the truth thereof, and aver that Loyalty and Affection to your Majesty's Sacred Person, and steady attachment to and admiration of the glorious Constitution of the United Kingdom, universally prevail in this your Majesty's Island, whose Inhabitants cherish the most ardent hope that it may *long remain a Colony under the protection of the British Empire*, whose Laws and Political Institutions, under the Government of your Majesty's Illustrious Family, we trust and believe will ever be found to promote the happiness and prosperity of all that owe Allegiance thereto; and we humbly and earnestly pray that your Majesty will be graciously pleased to order a Special Inquiry into the same, that an opportunity may thereby be given of wiping away so foul a calumny against your Majesty's faithful subjects in this Island, when we are confident it will appear that so far from there being any foundation for the Lieutenant-Governor's charge against us, that the submission and forbearance with which the Colony has borne his grievous and oppressive conduct, has brought upon its inhabitants *the imputation of being either careless or ignorant of their Rights and Privileges as British subjects.*

Twentieth. That great loss and injury have resulted to the Colony, in various ways, by depriving it of that Constitutional Protection, and advantage of the usual Meetings of the Colonial Legislature, according to the practice in all the neighbouring British Colonies, and the Rights conferred upon the people of this Island when it was erected into a distinct and separate Provincial Government, whereby the benefit of such Legislative

Proceedings, as are required to keep pace with the natural progress of the Settlement, and absolutely necessary towards promoting and securing the prosperity of the Colony are suspended, and have been long withheld, by which means part of our Revenue Laws, High Road Laws, Militia Laws, and other most important Acts of the Colonial Legislature have been suffered to expire, to the great detriment of your Majesty's service, and the manifest injury of your loyal subjects in this Island.

Twenty-first. That the unfortunate character of our Colonial Administration under Lieutenant-Governor Smith, has for some time past prevented all resort of Persons of Property to the Island, *it being a notorious fact that for the last three years there have not Five Persons worth One Hundred Pounds each settled on the Island*, though many such have come, but on being made acquainted with the state of our Administration immediately departed; in the mean time the neighbouring Colonies, with far less natural advantages, have acquired a great accession of Population, Capital, and Industry, at the same time that many valuable Settlers have abandoned the Island with their Families, to seek for that protection and security in other countries, which the Laws and Institutions of this Colony, under the Administration of Lieutenant-Governor Smith have long denied them, and many other persons are now preparing to follow them, whereby the value of Property is likely to be greatly depressed, the Population of the Colony diminished, and all prospect of completing the population of the yet unsettled Townships, according to the terms of the arrangement in that respect approved of by your Majesty in the year 1816*; and we humbly trust that your Majesty will perceive that this state of things, and the present distressed and alarming situation of the Colony are sufficiently accounted for in the detail herein submitted to your Majesty's consideration, to which it would be easy to make a great and distressing addition; all tending to prove that the conduct and character of Lieutenant-Governor Smith, is such as to disqualify him, in every respect, from discharging the duties of his office with advantage to your Majesty's service, or the interest of your loyal subjects in this Island.

* By the arrangement here alluded to, ten years, from Dec. 1816, were given to complete the population of the then unsettled townships, an object in which, owing to the unhappy state of the Island, no great progress has since been made.

That your Majesty's humble Petitioners regret much the necessity they are under of approaching your Majesty's sacred person in the language of complaint now submitted to your paternal consideration, and humbly trust that on a full review thereof, your Majesty will be satisfied that the farther continuance of Lieutenant-Governor Smith in the command of this your Majesty's Island, cannot be otherwise than greatly distressing to its Inhabitants, and by preventing the usual course of Legislative proceedings therein required to meet the natural progress of the Island greatly impede the settlement and prosperity thereof.

May it, therefore, please your Majesty to relieve us, and give the Island, by an adequate appointment to our government, the same advantages which your Majesty's subjects in the neighbouring colonies are now enjoying from the management of their Public Affairs being entrusted to able and upright Governors.

And your Majesty's Petitioners, as in duty bound, will ever pray, *&c.*

QUEEN'S COUNTY PETITION.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

We, your Majesty's faithful and affectionate Subjects, the Freeholders, Householders, and other Inhabitants of Queen's County, in Prince Edward Island, assembled* by Public notice from the High Sheriff of the Island, to take into consideration the present alarming and distressed state of the Colony, beg leave to approach your Majesty with sentiments of the most loyal and devoted Attachment to your Majesty's Person, Family, and Government, and to lay at your Majesty's feet this our humble Representation and Petition, stating the conduct of Charles Douglass Smith, Lieutenant-Governor of this Island, in the ardent and anxious hope that your Majesty will be graciously pleased to command such an investigation into the state of this Colony, under his Administration, as to your Majesty in your royal wisdom may seem proper and adequate to produce a full and satisfactory exposition thereof.

That your Majesty's subjects assembled on this occasion, entered into a number of Resolutions, stating the following specific Charges against the said Lieutenant-Governor Charles Duglass Smith, which they are ready to make good at any Inquiry which your Majesty may be graciously pleased to order on the subject thereof; under which charges your Majesty's Petitioners state, that ever since the Lieutenant-Governor entered upon the Administration of this Government, he has conducted himself towards your Majesty's subjects therein, with Harshness, Injustice, and Contumely, of which we beg leave to adduce the following instances:—

First. That soon after his arrival he took upon himself, without investigation or legal inquiry of any kind, to disturb and challenge the Titles and Rights of Persons who had obtained Grants of Lands under the Great Seal of the Island, in the usual form, as stated in the Resolutions herewith transmitted.

Secondly. That he took upon himself to challenge and disturb Persons holding Town Lots in the Capital of the Island, long since built upon, and improved from an

* March 6th, 1823.

early period of the Settlement, whose original Grants in the lapse of Forty or Fifty Years, have been lost and the Record thereof mislaid or mutilated by the carelessness with which the Register Office had been kept, compelling these persons to take out new Grants for such Property from himself, and in some instances granting Lots, so circumstanced to other persons, without any inquiry into the rights of those who were thus divested of their Property.

Thirdly. That he also compelled the Proprietors of Building Lots in Charlotte Town, held by Titles, founded on Judgments of the Supreme Court, upon Public Prosecutions carried on by the Colonial Treasurer, to take out new Grants of such Property from himself, notwithstanding these Persons held the same under Deeds from the High Sheriff or Coroner of the Island, which Deeds are declared by an Act of the 26th of the late King, to vest in the Purchasers, their Heirs and Assigns for ever a good and valid Title to such Lands*.

Fourthly. That in January 1818, he caused proceedings to be instituted for enforcing Payment of your Majesty's Quit Rents, when the promised New Scale thereof, at a reduced Rate, announced in his own public Proclamation, had not been received by him, or then decided on by your Majesty.

Fifthly. That at the same time he constituted a Court of Escheats, without legal Authority, and therein prosecuted to Condemnation the valuable Tract of Land or Township, No. 55, in an illegal and oppressive manner, and in violation of his own public Proclamation of the 8th of October, 1816, announcing to the Colony your Majesty's gracious intention of extending immunity to the Proprietors of Land in this Island, from the Forfeitures to which they were liable, under their original Grants.

Sixthly. That in his conduct to our Colonial Legislature, he has proceeded to insult, vilify, and calumniate the House of Representatives, to reduce and dishonour your Majesty's Colonial Council, and for nearly three years past to deprive the Island of all benefit or protection from its Colonial Legislature, in proof of which we humbly state the following extraordinary facts.

* The Resolutions of Queen's County Meeting conclude these, their first charges, by stating that the sole object in these unjust and oppressive proceedings was to extort money from the persons who were so unfortunate as to have property involved in those difficulties.

Seventhly. That in November, 1818, he did most unconstitutionally refuse to receive an Address from the Lower House of Assembly, in Answer to his Speech at the opening of the Session, and persisted in refusing the same, after he had appointed an hour to receive the House with the said Address; such refusal being a breach of the privileges of the House, injurious to the Colony, and intended to prevent the true state of its Public Affairs from reaching the knowledge of your Majesty's confidential servants.

Eighthly. That in addition to this public insult to the Colony, in refusing to receive the Address of the House of Representatives legally assembled, the Lieutenant-Governor sent a Message on the 15th of December, to the Assembly, requiring both Houses to adjourn to the 5th of January following, and before the business in which they were then occupied, was finished, and when they were on the point of adjourning according to the purport of the said Message, the House was broke in upon by Mr. Carmichael, the Lieutenant-Governor's son-in-law and secretary, who advancing withinside the Bar, addressed the Speaker loudly in these words, " Mr. " Speaker, if you sit in that chair one minute longer as " Speaker, this House will be immediately dissolved," at the same time shaking his fist at the Speaker, and while the House was engaged in considering the means of punishing this insult, the Lieutenant-Governor in person, sent into the House for the Speaker, and holding up his watch to him, said, " he would allow the " House three minutes, before the expiration of which, " if they did not adjourn it should be dissolved;" thereby exhibiting a degree of illegal violence and unconstitutional conduct of which we believe there is no other example to be met with in the behaviour of a Colonial Governor under your Majesty's authority. And this extraordinary conduct of the Lieutenant-Governor was soon after followed up by another insult on the House by his son Mr. Henry Smith, who was detected and acknowledged breaking the windows of the apartment in which the House was then sitting, and being committed to jail for such an outrage under the Speaker's Warrant, the Legislature was thereupon prorogued, and Mr. Smith immediately released without satisfaction or apology being made to the Colony for such an insult.

Ninthly. That at the same Session of the Legislature,

the Lower House preferred Thirteen serious and important Charges against Thomas Tremlett, Esquire, Chief Justice of the Island, and addressed the Lieutenant-Governor praying that he would suspend the Chief Justice until your Majesty's pleasure therein should be known: but instead of complying with the request of the House, though it was well-known that the Lieutenant-Governor was in the constant habit of expressing the most decided disapprobation of the Chief Justice's conduct and character, he thought fit, on this occasion, to interpose his opinion in opposition to these charges, whereby all inquiry into their validity has been hitherto evaded, and that change in the office which the Colony has long anxiously desired, has been thereby prevented.

Tenthly. That the accusations transmitted against the conduct of our Representatives in that Session of the General Assembly by the Lieutenant-Governor to Earl Bathurst, your Majesty's Principal Secretary of State for the Colonies, were most unjust, and the declaration of certain persons, to us unknown, which was sent therewith, in support of the Lieutenant-Governor's representation, on the faith of which it appears that his Lordship declined laying the Address of the Assembly before your Majesty, was unfounded in truth, and a gross misrepresentation; of which it is evident that the Lieutenant-Governor was so conscious, that at the next Meeting of the Legislature, which sat from the 25th of July to the 10th of August, 1820, when the House of Representatives addressed him, requesting a Copy of the Declaration, he refused to lay the same before them, on the ground that the *House had no right to examine into what had passed at a former Session of the Assembly!!* since which he has declined to convene the Legislature of the Colony, knowing well, that the Lower House had it in their power, and would most likely enter into such proceedings as would prove to your Majesty the unworthy means to which he had resorted for the purpose of concealing his own conduct and the real state of the Colony from your Majesty.

Eleventhly. That having contrived to deprive the Colony for many years past of all benefit or support from the Lower House, the Lieutenant-Governor has also accomplished the total degradation of the Colonial Council, which by the original Royal Commission and Instructions to our first Governor, should be selected from

among the persons of most property and consideration in the Colony, but as now modelled by Lieutenant-Governor Smith, consists only of Five Members, the senior of whom being long disabled by age and infirmity cannot attend; to the seat of the second, if the others were properly occupied, little objection would be made; the third member is the Chief Justice, who by the Royal Instructions takes his seat at the Board ex-officio, but who certainly enjoys less of the consideration and respect of his fellow-subjects than any other person that ever yet held his important office in the Colony; the fourth member is Mr. Ambrose Lane, a Lieutenant on the Half-Pay of the late 98th Regiment, now Town Major of Charlotte Town, and without any other connexion with this Island when he was brought into the Council than his having then recently married a daughter of the Lieutenant-Governor's; the fifth member is a Mr. William Pleace, who came to the Island a few years ago as a clerk and contracted servant to a Mercantile Establishment, from which trust he has since been dismissed, and now keeps a petty shop of his own, where he retails spirits, being the first instance we ever heard of, of a person in such circumstances being brought into a seat at a Colonial Council Board. Such may it please your Majesty, is the actual present composition of that body, which should be looked up to as the constitutional support of the Colonial Administration, and which also performs the functions of the Upper House in the Legislature of the Island, and likewise exercises, with the Governor, an important appellate jurisdiction in civil causes from the Supreme Court, in all cases where the value in dispute amounts to the sum of Three Hundred Pounds. According to the original constitution and practice of the Board, such Appeals could only be proceeded upon in the presence of Five Members; but at the hearing of a recent Appeal, when the value of the property liable to the effect of the decision was much above Ten Thousand Pounds, the Board consisted only of the Lieutenant-Governor, Mr. Lane, and Mr. Pleace, the discarded servant of the Appellants. To this state of the present composition of your Majesty's Colonial Council in this Island, we have to add, that in 1819, two of the most useful and intelligent members thereof were dismissed from their seats without any apparent reason than might arise from their superiority over the rest, one

of them being your Majesty's Attorney-General of the Island *.

Twelfthly. That the Lieutenant-Governor, as Chancellor, has permitted a heavy and most vexatious addition to the fees and expenses attending the usual proceedings before himself in that Court, which has taken place since he appointed to the office of Register and Master thereof his Son-in-Law, Mr. Ambrose Lane, a military man, unacquainted with the duties of such an office, thereby at the same time uniting in his person duties and appointments of the most opposite and inconsistent nature; proving, in the strongest manner, that the Lieutenant-Governor considers the interest of his own family as paramount to every consideration of decency and propriety in the distribution of the Public Patronage to office at his disposal.

Thirteenthly. That in 1820, during the absence of the Attorney-General in England, seventeen informations were filed in the Court of Chancery by the Lieutenant-Governor's orders against supposed trespassers on ungranted lands in the Royalty of Prince Town, without one conviction having taken place, though at an expense of £200. drawn from our small Colonial Revenue, a great part of which was paid to the Lieutenant-Governor and his Son-in-law the Register in Chancery, while the utmost value of the land said to be trespassed on, if sold at public auction, would not have paid one fourth part of the expense incurred in the prosecution, and while at the same time there exists on our Statute Book, a Colonial Law, in the Act of the 16th of the late king, providing for the prosecution of such offences in the Supreme Court, at one tenth part of the expense incurred in this proceeding in which the unfortunate Defendants suffered great loss, and were much distressed thereby.

Fourteenthly. That your Majesty's Subjects, the inhabitants of Charlotte Town and its vicinity, have been greatly harassed and injured by the Lieutenant-Governor's conduct in forcing them, under the authority of an Act for regulating the Militia, to furnish Guards at their own expense in a time of profound peace, and to perform the duty of watching and warding at the same time, without the existence of any disturbance in the Island, or the smallest risque or appearance of such: that in like man-

* See Note at page 10.

ner, fines are levied on your Majesty's Subjects under the Militia and High Road laws, for supposed neglects, when the persons so fined are engaged in the performance of other public duties legally required of them, and cannot possibly be employed in two places at once.

Fifteenthly. That in 1821, when in consequence of the alteration in the Timber duties our trade in that article had nearly ceased and the greatest difficulty was experienced in making remittances to Great Britain to support the commercial credit of the Colony, and enable us to obtain the usual supply of British manufactures required for the consumption of the Inhabitants, and the absolute necessity of resorting without delay to some adequate means of securing that object, became evident to all among us; Public Meetings were held in the capital, at which it was resolved that an attempt should be immediately made to establish Fisheries, and thereby to lay the foundation of securing to the Colony a participation in the advantages of that extensive and highly beneficial business carried on upon our coasts, and at present chiefly occupied by Americans of the United States, and a Committee of respectable persons were appointed to communicate on the subject with the Lieutenant-Governor, and earnestly to press upon his attention the distressed state of the Colony, and the necessity that existed for meeting the Legislature, that such measures might be proposed to that body as were required to give a beginning to the business, by securing the capital therein to be embarked with such regulations as experience has shewn to be necessary for the protection and safety of the object, and on which the community was most anxious: but far from entering into our feelings, or the important interests in view, his Excellency declined meeting the Legislature, considering only the unhappy necessity he had brought upon himself of depriving the Colony of every opportunity of laying at your Majesty's feet, through the proceedings of its Representatives, his own improper conduct and the actual state of the Colony under his administration; the consequence of which has been severely felt in the increasing difficulties of the Island, and the nearly total extinction of all circulating medium therein, so as to deprive even persons of extensive and valuable property of the means of paying in money the most trifling sums, and at the same time placing persons of small property, though otherwise of competent means to meet all their engagements, absolutely in the power of their creditors.

who may now sacrifice their whole property for claims only amounting to a few shillings.

Sixteenthly. That we humbly crave your Majesty's attention to the recent proceedings instituted for enforcing the payment of your Majesty's Quit Rent, as stated in the said Resolutions, whereby many of your Majesty's Subjects have suffered great injuries and oppression, such proceedings being carried on without any real necessity, as we are confident that there is not an individual in the Island but would have paid up their Quit Rents without compulsion, had the same been regularly and legally demanded according to the terms of the arrangement approved of by your Majesty in the year 1818; instead of which they have been suffered to run in arrears for four years and a half, during which, the Acting Receiver-General frequently refused to receive payment from various individuals, circumstances which greatly aggravate the hardship of coming suddenly upon the landholders, without notice, with a demand for payment in fourteen days, which time had expired before it was heard of by one tenth of the inhabitants, who were first informed thereof by seeing persons coming among them to distrain for the arrears, with an addition of costs on proceedings which had never actually taken place, and which to persons holding one hundred acres amounted to a sum equal to twenty years' arrears of their Quit Rent, and at the same time insisting on the immediate payment in money, when the circulating medium of the Island has almost totally disappeared.

Seventeenthly. That the Lieutenant-Governor has in an arbitrary and illegal manner, by instrument under the Great Seal of the Island, bearing date three days before its actual existence, taken upon himself to supersede John Mac Gregor, Esquire, High Sheriff of the Island, regularly appointed to that office under the authority and directions of our Colonial Statute, for the regulation thereof, without the existence of any charge public or private against him, appointing to the office the person who had been Mr. Mac Gregor's Under Sheriff, but previously dismissed by him from the said office, and who has not been obliged to give the usual security required by law, and whose first act was to expunge from the panel of the Grand Jury, after the same had been returned into the Crown Office by the High Sheriff, the names of two respectable Individuals then in court in obedience to their summons, thereby creating a general

alarm for the public security and the highly important rights vested in jurors legally and regularly summoned.

Eighteenthly. That when the Grand Jury of the Island, assembled at the Hilary Term of your Majesty's Supreme Court of Judicature, found bills of indictment against the Acting Receiver's Deputies, for extortion, and when the trial of the accused was on the point of commencing, the Attorney and Solicitor General were sent for by the Lieutenant-Governor, and on their return into Court, it appeared that no trial was to take place, *the accused being withdrawn from the justice of the country by the interference of the Lieutenant-Governor;* thereby shewing, in the clearest manner, the total want of protection which your Majesty's Subjects labour under from the laws and institutions of the country, under the administration of Lieutenant-Governor Smith.

Nineteenthly. That great loss and injury has resulted to this Colony in various ways by depriving it of that constitutional protection, and advantage of the usual Meetings of the Colonial Legislature, according to the practice in all the neighbouring British Colonies, and the rights conferred upon the People of this Island when it was erected into a distinct and separate provincial government, whereby, the benefit of such legislative proceedings as are required to keep pace with the natural progress of the settlement, and absolutely necessary towards promoting and securing the prosperity of the Colony, are suspended, and have been long withheld, by which means part of our Revenue Laws, High Road Laws, the Militia Laws, and other most important acts of the Colonial Legislature have been suffered to expire, to the great detriment of your Majesty's service, and the manifest injury of your Loyal Subjects in this Island.

Twentieth. And your Majesty's Petitioners, in addition to these charges, all of which stand on the face of the Resolutions of the General Meeting of the county, state that it is with much concern and indignation they have learned that the Lieutenant-Governor has on various occasions, charged your Majesty's Subjects in this Island with disloyalty, turbulence, and disaffection to your Majesty and the constitution of our beloved parent country. Proud of the allegiance under which we were born, we do most solemnly, for ourselves and fellow subjects, deny the truth of the said charge, which we boldly state is totally without foundation, and aver that loyalty and affec-

tion to your Majesty's sacred person and government, and steady attachment to, and admiration of the glorious constitution of the United Kingdom, universally prevail in this your Majesty's Island, whose inhabitants cherish the most ardent hope that it may for many ages remain a Colony under the protection of the British Empire, whose laws and political institutions, under the government of your Majesty's illustrious family, we trust, and believe, will ever be found to promote the prosperity and happiness of all that owe allegiance thereto: and if this accusation has made any impression against us, we humbly and earnestly pray that your Majesty will be graciously pleased to order a Special Inquiry into the same, that so foul a calumny may be fully refuted, and that your faithful Subjects in this Island, may be restored to your Majesty's favourable opinion; and your Majesty's Petitioners are confident it will then appear that so far from there being any foundation for the Lieutenant-Governor's charges against us, it will be seen that the forbearance and submission with which the Colony has hitherto borne his grievous and oppressive conduct has brought upon its inhabitants the imputation of being either careless, or ignorant, of their rights and privileges as British Subjects.

That your Majesty's Petitioners, sincerely lamenting the occasion of being compelled to approach your Majesty with these complaints, humbly pray for your Majesty's paternal interference and protection: confident that an inquiry into the merits thereof will satisfy your Majesty that the further continuance of Lieutenant-Governor Smith in the command of this your Majesty's Island, cannot be otherwise than greatly distressing to its inhabitants, and totally prevent the usual course of legislative proceedings therein, which your Majesty's service, and the present state of the Colony require to be immediately attended to in various instances.

May it therefore please your Majesty to recall Lieutenant Governor Smith from the administration of the government of this Island, and to take such further measures in the premises as your Majesty may be graciously pleased to see fit.

PRINCE COUNTY PETITION.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We, your Majesty's loyal and dutiful Subjects, the Magistrates, Landholders, Merchants, and other Inhabitants of Prince County, Prince Edward Island, legally assembled this day in a general meeting of the County to take into consideration the present distressed State of the Colony, beg leave to approach your Majesty with this our humble Complaint and Petition, confident that the paternal solicitude with which your Majesty watches over the interests and happiness of all your people, even in the most remote parts of your Majesty's extensive empire, will ensure to us your gracious and favourable consideration and redress of the Grievances which we are now compelled to lay at your Majesty's feet, shewing that the present alarming and distressed State of the Island is occasioned by the mal-administration of the local government under the authority and influence of Charles Douglass Smith, Lieutenant Governor thereof in conjunction with Thomas Tremlett, Esquire, Chief Justice of the Island; the Suspension of our Colonial Legislature and the Perseverance of the Lieutenant Governor in depriving the Island of its exertions and protection in the various interests and objects to which its authority is applicable in promoting and extending the improvement and progress of the Colony; instead of which the Lieutenant Governor, after misrepresenting the proceedings of the Lower House of Assembly, and slandering them and their constituents with a charge of Disloyalty and Disaffection to your Majesty's sacred Person and Government, is now apparently determined to continue that System of intolerable Oppression which his conduct has uniformly evinced since he entered upon the Administration of our public Affairs, whereby the Colony is now suffering most severely, and from which

your Majesty's gracious and paternal interference can alone relieve us.

And your Majesty's humble Petitioners, in proof of their just complaints, state, for your Majesty's consideration, the substance of Thirteen Resolutions proposed and unanimously agreed to at the said County Meeting.

First. That, at the Opening of the Session of the General Assembly, convened by the Lieutenant Governor on the 3d day of November, 1818, the Lower House of the General Assembly framed a dutiful and respectful Address to the Lieutenant Governor, your Majesty's Representative, in answer to his Speech at the commencement of the Session, but which his Excellency, in a contemptuous manner refused to receive under pretext that it was unconstitutionally framed; but notwithstanding such conduct of the Lieutenant Governor, the Lower House proceeded with the business of the Session and passed a Bill of Supply, as well as several other salutary laws for the benefit and regulation of the Colony, and also preferred thirteen serious charges against Thomas Tremlett, Esquire, Chief Justice of the Island, and addressed his Excellency to suspend him from that high office until your Majesty's pleasure therein should be known; we therefore humbly submit that such conduct on the part of the Lower House of Assembly was highly creditable to them, and a striking contrast to the intemperate and unconstitutional conduct of the Lieutenant Governor.

Second. That the Lieutenant Governor forwarded certain false and unfounded representations and affidavits of persons to us unknown to the Right Honourable Earl Bathurst, your Majesty's principal Secretary of State for Colonial Affairs, stating that a certain Address to your Majesty from the Lower House of the General Assembly, agreed to in the same Session, was voted and passed by its members in a disorderly and tumultuous manner, after the regular adjournment of the House; in consequence of which representations and affidavits, the Grievances complained of in the said Address never reached your Majesty's notice, and your Petitioners most humbly submit that such conduct of the Lieutenant Governor was unconstitutional, illegal, and highly derogatory to his character as the Representative of your Majesty.

Third. That the Lower House of Assembly, by their Journal of the 15th of December, 1818, shew their anxious desire to comply with the wishes of the Lieutenant Governor for adjourning the House to the 5th of January following, and had his message to that effect under consideration when they were interrupted by his Secretary, Son-in-law, and the Clerk of the Council, John Edward Carmichael, Esquire, who entered the body of the House, and rushing up to the Speaker's Chair in a most contemptuous and threatening manner, shaking his fist at him, said, "Mr. Speaker, if you sit in that chair as Speaker one minute longer, this House will be dissolved," and immediately withdrew; and very soon after this gross insult offered to the House, when it was in deliberation thereon, the Lieutenant Governor sent for the Speaker to attend him in the Council Chamber, who, upon his return to the House, stated that the Lieutenant Governor took out his watch and told him that the Lower House had five minutes to live, and if they were not adjourned at that time, the Assembly should be dissolved; such conduct in the Lieutenant Governor, we conceive, being subversive of the Rights of the Colony, and a high breach of the Privileges of the Lower House.

Fourth. That the Trade, Commerce, and Shipping Interest of this Island, and particularly in the Outports, have been considerably injured and impeded. First—in consequence of the great expense and inconvenience of attending the Custom-House from the Outports, distant from forty to sixty miles, to enter and clear vessels. Secondly—in consequence of the heavy charges made by that office for fees, particularly grievous to those concerned in small Schooners from 15 to 60 tons, which are engaged in conveying the Farming Produce of the Island to Nova Scotia, Miramichi, and the neighbouring Colonies, the inconvenience of going so far to a Custom-House, and the charges there made generally consuming the Profits of the Voyage. Thirdly—the arbitrary and illegal conduct of Lieutenant Governor Charles Douglass Smith, under which many suffered by his refusing to sign Vessels' Registers unless the same were printed on Parchment, although Registers were legally presented to his Excellency by the proper officers for signature, and these officers were known to have no printed Registers, nor could any be procured until a supply arrived

from the Custom-House in London, whereby many vessels were detained for a very considerable time in the harbours of the Island, to the loss, detriment, and injury of trade and commerce.

Fifth. That by the frequent and long interruption to the Meetings of the Legislature, the Laws for regulating and governing the Militia have been permitted to expire, and the sole Act on that subject now standing on our Statute Books was passed so long since as the year 1780, during the prevalence of a General War, and the American Rebellion, soon after the commencement of our Colonial Establishment, when our population was comparatively small, and has been long considered as obsolete and inapplicable to the altered situation and circumstances of the Island; and previous to Lieutenant Governor Smith's Administration and the expiry of the Laws hereinbefore referred to, was not for many years acted upon or enforced; nevertheless, since the loss of these Statutes, the Lieutenant Governor has thought fit to enforce the observance of the obsolete Statute of 1780, to the great injury and oppression of your Majesty's Subjects, by compelling them to comply with the the several provisions of that Act in time of profound Peace with all the World, and without any ground for apprehending tumult or danger within the Island, and has in several instances during the last year commanded Militia Musters at a time when, pursuant to the Laws for making and repairing the High Ways and Bridges, your Majesty's Subjects being engaged in that duty, could not attend at such Musters, in consequence of which many of them were summoned from a distance of forty miles to Charlotte Town, and fined without power of appeal under the provisions of this obsolete Law, with heavy Costs and Charges, to their manifest injury and oppression.

Sixth. That there are many Plots of Land adjacent to the intended site of the Town of Prince Town, in this County, consisting of eight acres each, commonly called the Royalty Prince Town, ungranted and vested in your Majesty, no person having applied for grants thereof; and although there are no persons as yet residing upon the intended site of the Town, there is a very considerable population resident on and adjacent to the said Royalty; and notwithstanding repeated applications have been made to Lieutenant Governor Smith, praying that

he would order the Surveyor-General to lay out and mark the several Division Lines of those Allotments, a very small proportion thereof has yet been surveyed, otherwise than by unauthorized persons, to the great loss and injury of individuals, and the confusion of property and boundaries.

Seventh. That in the Winter of 1820, when your Majesty's Attorney-General was absent on leave from the Island, the then Solicitor-General, by order of the Lieutenant-Governor, instituted Seventeen Suits in the Court of Chancery against so many persons, inhabitants of the Prince Town Royalty, for intrusion into nine of those ungranted Lots, by cutting wood growing thereon; and for the purpose of supporting the said Prosecutions, Lieutenant-Governor Smith prevailed on your Majesty's Colonial Council, to agree to his advancing upwards of 140*l.* but permitted only two of the seventeen Suits to proceed to a hearing before himself as Chancellor. Your Majesty's Attorney-General having returned to the Island, he, in open Court, declared that there was no evidence to support the charge, although several Witnesses, both on the part of the Prosecution and of the Defendants, had been examined to support these two Suits, upon which the whole of the prosecutions were abandoned, after an expense of 200*l.*, paid out of the small Revenue of this Island, and of 100*l*, by the Defendants, the Inhabitants of Prince Town Royalty, being a public scandal to the Administration of Law and Justice, on the part of Lieutenant-Governor Smith.

Eighth. That at the Session of the General Assembly, which continued from the 25th of July to the 10th of August, 1820, the Lower House of Assembly did all in their power to vindicate the character of the former House, and the long interval which has since elapsed is manifestly intended by his Excellency to prevent the Lower House of the General Assembly from contradicting the false and unfounded representations he had made concerning its proceedings during the preceding Session, and for the purpose of keeping the real state of the Island and his own conduct from being represented by them; and your Majesty's loyal and dutiful Subjects feel it to be an unmerited grievance to them, and to all the Inhabitants of this Island, that his Excellency has not, at regular periods, convened the General Assembly, according to the practice in our sister Colonies, for the purpose

of amending and renewing old and expired Statutes, enacting new Laws, much wanted, and generally of meeting and providing for the many contigencies of an increasing Population, and the great and alarming depression of Trade.

Ninth. And your Majesty's dutiful Subjects further shew unto your most excellent Majesty, that in the Year 1821, a numerous and respectable Meeting of Magistrates, Landholders, Merchants, and other Inhabitants of this Island, convened and met at Charlotte Town, for the purpose of taking into consideration the expediency and means of establishing one or more Fishing Companies, for which this Island possesses many and great local advantages; and in furtherance of such object, presented to Lieutenant-Governor Smith a respectful Petition, praying that he would be pleased to convene the General Assembly of the Island, for the purpose of framing and enacting such Laws and Regulations as they should in their Wisdom see fit for regulating and encouraging such Fisheries, but with which Petition his Excellency refused to comply, without assigning any reason for such refusal, thereby, as we humbly submit, evincing a determination, on his part, to suffer them to struggle with every difficulty of the declining state of the Timber and other Trades, and not to listen to any proposition of your Majesty's Subjects for promoting their relief or prosperity, or to induce him to meet again the General Assembly.

Tenth. That the recent proceedings of the Acting Receiver-General of your Majesty's Quit-Rents, in enforcing the payment of four and a half Years' arrears thereof, become due since the year 1818, have been conducted illegally and oppressively, and to the great loss and injury of your Majesty's Subjects in this Island. First—that after refusing, in the Years 1819, 1820, and 1821, and since, to receive payment when tendered by various persons, the late Public Notice, requiring payment of the Arrears due since 1818, extended only to fourteen Days, which had expired previous to the Notice being publicly known in this County. Secondly—By the subsequent conduct of the Acting Receiver-General, in distressing the people in various parts of the Island, by distraining for, and exacting, through his Deputies and Bailiffs, charges and expenses in many instances tenfold more than the Amount of your Majesty's Quit-Rents.

Eleventh. That Lieutenant-Governor Smith conducts the Government of this your Majesty's Island without the aid of a Colonial Council selected from the principal Landholders and Persons of property and consideration in the Colony, according to the spirit and directions of the Royal Instructions to him in that behalf, but chooses as Members of that Board strangers and persons without property, in no connexion with the Country, unacquainted with the detail and bearings of its general and local Interests, or dependant on himself by the tenure of Offices held during his pleasure, whereby that important Body have lost all weight and consideration in the Country, and the Proceedings of the Colonial Government have long been such as to entail disgrace upon the Island, and to render its character odious and contemptible among our fellow Subjects in all the neighbouring British Colonies, and thereby greatly impedes and prevents the settlement and prosperity of the Colony, by deterring from it Persons of property.

That the Supreme Court of Judicature within this Island has long since ceased to administer Law to the ends of Justice, and Thomas Tremlett, Esquire, the Chief Justice, by the delays he occasions, through ignorance of the Rules of Practice, and the Principles of Law, and the high contempts he suffers continually to be committed before him unchecked, prevent your Majesty's loyal and dutiful Subjects of this Island from the attainment of Justice in that Court; and your Majesty's Court of Chancery is no longer open to them, on account of the exorbitant and oppressive Fees exacted by the only Acting Officer of that Court, his Excellency's Son-in-law.

Twelfth. That Lieutenant-Governor Smith hath lately dismissed John Mac Gregor, Esquire, from the Office of High Sheriff of this Island, to which he was legally appointed, before the expiration of the Year of his appointment, contrary to the Statutes of this Island enacted for regulating the Office of Sheriff, and appointed in his stead his discarded Deputy, without requiring any Security for his good conduct pursuant to those Statutes, by which arbitrary and illegal Act, and the submission thereto of your Majesty's Chief Justice at the last sitting of the Supreme Court, during which such dismission and new appointment took place, has occasioned great uneasiness and distrust in the Suitors of that Court, con-

cerning the legality of such Proceedings, and the effect which they may have on the security of Property, if hereafter questioned.

Thirteenth. That the Lieutenant-Governor has, during the period of the last year in particular, evinced a determination to suppress the force and effect of the existing Laws, to the uncorrupt and due Administration of which your Majesty's loyal and dutiful Subjects in this Island feel entitled, in common with your Majesty's Subjects in Great Britain, and particularly in respect to the privileges of Grand Juries; nevertheless, Lieutenant-Governor Smith, during the last sitting of the Supreme Court of Judicature, when the Grand Jury had found two several Bills of Indictment and one Presentment against Bailiffs of the Acting Receiver-General of your Majesty's Quit-Rents, for Extortion, sent for the Attorney and Solicitor-General, and induced them to decline prosecuting the same; and your Majesty's Petitioners humbly submit, that such conduct of the Lieutenant-Governor tends to the great encouragement of Extortion, the subversion of Justice, and Trial by Jury, and is destructive of the morality of your Majesty's Subjects in this Island.

That having presumed to trespass so far upon your Majesty's attention with the detail of our Grievances, we trust that the matters herein stated, with the evidence transmitted in support of our Petition, will satisfy your Majesty, and obtain for us your Majesty's gracious and paternal Protection.

Your Majesty's faithful and affectionate Subjects therefore most humbly pray, that taking this our Petition into your favourable consideration, your Majesty will be pleased to withdraw your confidence from Lieutenant-Governor Smith, and Thomas Tremlett, Esquire, and recall them from their Appointments in this Island, that their conduct may no longer afflict your Majesty's Subjects, the Inhabitants thereof.

PETITION OF THE GRAND JURY.

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of the Grand Jury of Prince Edward Island, legally assembled at the Trinity Term of your Majesty's Supreme Court of Judicature, June 24th, 1823.

Most respectfully and anxiously sheweth,

THAT your Majesty's Royal Father, our late venerable and beloved Sovereign King George the Third, of glorious memory, was graciously pleased in the Ninth Year of his Reign to erect this Island into a separate and distinct Colonial Government, with a Constitution and Legislative Assembly, similar in power and rights to the same institutions in the neighbouring British Colonies, which took full effect in the year 1773, when the first Legislature of the Island, was convened; the Upper House being formed according to the Royal Instructions, and the practice in the other Colonies of the Colonial Council appointed by the Crown, and the Lower House by eighteen Representatives, freely elected by the population of the Island, to represent the Commons in the General Assembly of the Island.

That by the Colonial Legislature of the Island thus formed, various laws suitable to the situation and circumstances of theColony,were passed in different Sessions and assented to by the Officers intrusted with the Government of the Island, and subsequently confirmed by the royal allowance, some of which Laws are permanent, while others were temporary, as admitting with greater facility of such alterations and improvements as experience of their effects might render necessary; but from the long interruption which has taken place to the meetings of the Colonial Legislature, some of the most important tempory laws have been suffered to expire, to the great loss and injury of this Island.

That our present Lieutenant-Governor Charles Douglass Smith, Esquire, entered upon the administration in July 1813, since which differences have generally existed between him and your Majesty's subjects, and their representatives, the Lower House of the Legislature, which have been highly injurious to the progress and prosperity of the Colony; and at a Session of the Assembly, which commenced its proceedings in November 1818, the House thought it their duty in behalf of the Colony to address your Majesty on the subject of these differences, and the then state of the Island.

That it appears by a communication made to the Lower House at the next Session of the Assembly in May 1820, by the Lieutenant-Governor, that he had found means to induce your Majesty's Principal Secretary of State for the Colonies, the Right Honourable Earl Bathurst, to withhold the said address from your Majesty, since which no further notice has being taken thereof.

That assembly being dissolved, and a general election having taken place, the legislature was again convened by the Lieutenant-Governor, and sat from the 26th of July to the 10th of August 1820, and during the session the Lower-House addressed the Lieutenant-Governor for a copy of the representation with the accompanying documents, which he had transmitted to Earl Bathurst against the proceedings of the former House. To this address the Lieutenant-Governor answered, *that the House had nothing to do with what had passed at a former meeting of the legislature, and refused to make the desired communication*, and the assembly being thereupon prorogued, the Lieutenant-Governor has not since thought fit to convene the legislature, nor is there, at present, the smallest appearance that he will ever meet the assembly again, unless he can secure himself from any farther representations to your Majesty against his conduct.

That the Colony being thus deprived for near three years of the advantages and protection of our Colonial Legislature, so liberally granted to us by our late venerable sovereign, the Island has thereby suffered great injury in various ways, and been prevented from bringing the state of its public affairs before your Majesty, through the constitutional means of the proceedings of its legislature; in the mean time the grievances of the Colony, and the consequent uneasiness of of your Majesty's sub-

jects under them have, greatly increased, and seeing no other means left to them of making their complaints against the Lieutenant-Governor's conduct known to your Majesty; they have at county meetings, called by the high sheriff of the Island, without one dissenting voice, entered into resolutions stating various charges against the Lieutenant-Governor, and have embodied the same in petitions addressed to your Majesty, concluding with a prayer for inquiry into the state of the Colony, and the removal of the Lieutenant-Governor from his office as your Majesty's representative in this Island.

That as the only constitutional representative body now permitted to meet on the Island, we think it our duty, humbly and respectfully as the Grand Jury of the Island, acting for the Colony at large, to present this our humble Petition to your Majesty, earnestly and and anxiously praying, that your Majesty will be graciously pleased to take the said Petitions from our fellow-subjects herein referred to, into your Majesty's paternal consideration, and grant the prayer thereof, and thereby to secure to them the prospect of enjoying the same rights and benefits which your Majesty's subjects in the neighbouring Colonies now possess from the management of their public affairs being intrusted to temperate, able and upright governors.

And your Majesty's Petitioners as in duty bound will ever pray, *&c. &c. &c.*

APPENDIX.

NOTE I.

By His Excellency Charles Douglass Smith, Lieutenant-Governor and Commander-in-Chief in and over His Majesty's Island of Prince Edward and the Territories adjacent thereunto, Chancellor and Vice-Admiral of the same, &c.

C. Douglass Smith.
Lieutenant-Governor.

A PROCLAMATION.

Whereas it having been signified to me by the Right Honourable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonial Department, that it is intended on the part of the Crown, to extend to the Proprietors of Land in this Colony, immunity from certain Forfeitures to which they were liable by the conditions of their original Grants, and also to grant the remission of certain arrears of Quit Rent, and fix a scale for future payment of such Quit Rent.

I have thought fit by and with the advice of His Majesty's Council, to apprize the Proprietors of Land in this Island, of this His Majesty's most gracious intention, and that a new rate* of Quit Rent will commence from the Twenty-fifth day of June in the present year, and that the first half yearly payment will be demanded on the Twenty-fifth day of December next, and that if payment shall be neglected or withheld, by any Proprietor, measures will be taken to resume possession of the Land on the part of the Crown.

Given under my Hand and Seal at Arms, at Charlotte Town, this Eighth day of October, in the Yearof Our Lord One Thousand Eight Hundred and Sixteen, and the Fifty-sixth Year of his Majesty's Reign.

By His Excellency's Command,
Thos. Desbrisay, *Secretary.*

God Save the King.

* The new rate of Quit Rent here promised was not finally settled until June 1819, in the meantime the Lieutenant-Governor thought fit to commence proceedings for the recovery of the Quit Rents on the old scale, as stated in the Petition.

NOTE II.

Quit Rent Office, Nov. 16th, 1822.

This office will be kept open from the 1st to the 14th of January ensuing, for the payment of all arrears of Quit Rent, that is to say all half yearly payments under £20 sterling. Office hours from eleven to two o'clock.

Observation.—The original Grants and the Quit Rent Law, require only annual payments, therefore the demand for half yearly payments is totally without authority.

NOTE III.

Resolutions of the Assembly, stating the Charges against Mr. Chief Justice Tremlett, extracted from the Journal of the House, December 8th, 1818.

1. *Resolved*, That the unnecessary extension of the sitting of His Majesty's Supreme Court of Judicature of this Island, during the time Chief Justice Tremlett has presided in that Court, has been a severe grievance to His Majesty's Subjects in this Colony.

2. *Resolved*, That Trinity Term, 1814, continued for fifty-two days, and only twelve Jury Causes were tried in that Term; that Hilary Term, 1815, continued thirty-nine days, and fifteen Jury Causes were tried in that Term; that Michaelmas Term, 1815, continued seventeen days, and only one Jury Cause was tried in that Term; that Hilary Term, 1816, continued forty-four days, and only eleven Jury Causes were tried in that Term; that Trinity Term, 1816, continued twenty-one days, and only four Jury Causes were tried in that Term; that Michaelmas Term continued eighteen days, and only two Jury Causes were tried in that Term; that Hilary Term, 1817, continued thirty-three days, and thirteen Jury Causes were tried in that Term; that Trinity Term, 1818, continued twenty-one days, and nine Jury Causes were tried in that Term.

3. *Resolved*, That the duration of the Terms of the said Court in the times of the last and former Chief Justice, seldom exceeded eight days, and that they were often less than six days.

4. *Resolved*, That the protracted Sessions of the said Court, have increased the expenses attending Law Suits, and induced the regular Jurors to desert the Court in the midst of the business, rather than submit to the intolerable and ruinous attendance required of them, whereby Talesmen, of any description, have been too frequently resorted to, and injustice to the parties has been the consequence, which has created great discontent throughout this Colony, and no small degree of contempt for the Court.

5. *Resolved*, That in consequence of Trinity Term, 1814, continuing through the whole month of July, (in which month the Statute Labour on the high road, is to be performed,) many jurors and constables were fined for not performing their labour while they were obliged to give their attendance in the Supreme Court; and in that Term the said Chief Justice kept the Court open and stayed proceedings from the 26th July until the 11th August, to accomodate two of the Barristers, who asked him and obtained leave to quit the Court alternately.

6. *Resolved*, That in Hilary Term, 1818, the said Chief Justice did on the 18th day of that Term, after all causes set down for trial had been heard, (on a request made by the Attorney-General in behalf of the Acting Receiver-General of His Majesty's Quit Rent,) agree to keep the said Court open for forty-one days longer, and did so keep it open for that period in order to enable the said Acting Receiver-General to accomplish certain proceedings in that Court under the Act of this Island for the recovery of Quit Rent against various lands in this Island, which proceedings were in consequence effected in that Term, whilst the Legislature never contemplated the same as possible to be done within a shorter period than two Terms.

7. *Resolved*, That by reason of the said last mentioned term being so extended, the said Acting Receiver-General in the next term, being Trinity, obtained judgments against many valuable tracts of land for alleged arrears of Quit Rent on the old scale, while a new scale was generally expected. That under these judgments, so improperly and rapidly obtained, many extensive and valuable estates would in all probability have been sacrificed, and several of them before the non-resident owners could be apprized of the proceedings taken; and that impending ruin of these estates, by bringing them prematurely to sale, was only prevented by the most gracious act of His Royal Highness the Prince Regent, in lowering the rate of Quit Rent, and ordering the proceedings for the old rate to cease.

8. *Resolved*, That the costs incurred for obtaining judgment in respect of seven shillings sterling, for one year's arrear of Quit Rent against various town lots, in Charlotte Town, amounting, previous to the sale, to the sum of £7. 12*s*. sterling, each, reflects in the strongest manner on the Court which allowed the same.

9. *Resolved*, That the conduct of the said Chief Justice, in the afore-mentioned proceedings in respect to Quit Rents, was oppressive, illegal, and a violent infringement upon the rights of property in this Island.

10. *Resolved*. That the judgments of the said Chief Justice Tremlett in the said Supreme Court, have been tardy, fluctuating, and indecisive, and his appointments to that high office has been, and is, a misfortune to the Colony.

11. *Resolved*, That the said Chief Justice has brought contempt on his high judicial situation in this Colony, by often sitting alone publicly to do the duty of an inferior magistrate, or justice of the peace, in recovering from privates and others of the militia, fines for alleged neglect of duty as such.

12. *Resolved*, That the said Chief Justice in the important duty of annually nominating three fit and proper persons, one of whom to be chosen High Sheriff of this Island, (which nomination is by law imposed on the Chief Justice) has often exercised the same illegally by nominating persons who could not be required to serve, nor fined for refusing; and in particular the said Chief Justice has acted contrary to law, and shewn his total disregard to the welfare and internal peace of this Colony, by nominating the present High Sheriff of this Island, James Jackson, Esq., to fill that situation, well knowing him to be a person who had in last Hilary Term, *and before such nomination, been indicted, and thereupon tried before him the said Chief Justice, and found guilty of a most heinous offence against the public peace, committed while the said James Jackson was in the commission of the peace.*

13. *Resolved*, That for the reasons afore-mentioned, it is unadvisable that the Chief Justice should be any longer continued in his office, which he hath proved himself at least incapable of filling with that dignity, learning, propriety, and independence, which are indispensably requisite in such officer, and which the British Constitution demands.

NOTE IV.

On the 14th October, the Lieutenant-Governor on pretence that this charge was a gross libel and contempt of the Court of Chancery, commenced proceedings before himself as Chancellor (on the complaint of his son-in-law Lane, therein named), against the Members of the Committee appointed by Queen's County, to manage the complaints in behalf of the County, who were all served with an attachment, issued by the Court of Chancery, and subsequently committed to the custody of a Serjeant-at-Arms, except Mr. Stewart, who having received notice of the intended proceedings, and that the object thereof was to prevent his going to England with the Petitions, which the Lieutenant-Governor had determined to get hold of, he therefore left the Island at two hours notice, to put it out of his Excellency's power, as far as he could, to disturb the peace of the Colony, by such an event as the seizure and detention of himself and the Petitions, which he knew in the state of the public feelings would not be submitted to, and that the people would not allow him to be sent to jail for doing what he had been called upon by the general voice of the Colony to undertake. After several days hearing of this business in the Court of Chancery, the Lieutenant-Governor determined to lay a heavy

fine on the other Members of the Committee, and sequestrators were appointed to enter upon their property to secure the amount; but the people, having in the mean time, removed and secured all their property, and his Excellency observing from the behaviour of the audience in the Court, that the public feelings were highly exasperated at the attempt, and that he had not the means of enforcing his judgment, he at last abandoned the proceeding.

On being moved by the council for the prisoners to pronounce his final judgment against them, he refused unless they petitioned, saying " words were but wind: let them petition, I will have a record," and persisting in this, the prisoners to avoid longer detention at the expense of 2*l.* per day each, petitioned for judgment, which was promised; but two days after the Registrar addressed the following letter to Mr. Binns, Counsel for the Committee.

(COPY.)

IN CHANCERY.

Charlotte Town, October 30th, 1823.

SIR,

With reference to the petition of John M'Gregor, Richard Rollings, Paul Mabey, Donald M'Donald, Thomas Owen, and William Dockendorff, now in the custody of the Serjeant-at-Arms for a contempt, praying that they may be brought before the Court to receive final Judgment, I am directed by his Excellency the Chancellor, to acquaint you as their Counsel, that from the gross manner in which the Court was insulted on the last Court Day, he does not again intend to go there upon the business in question, until he can be assured that no return of the like conduct will be resorted to, nor does his Excellency intend to pass Judgment upon the Petitioners until he can be assured of that Judgment being enforced; at the same time his Excellency is desirous that the Petitioners should not remain in the custody of the Serjeant-at-Arms under day fees, until the time may come when Judgment shall be passed, and has therefore ordered that the day fees shall be discontinued, and the Petitioners set at liberty until the Serjeant-at-Arms is called upon to bring them up for Judgment.

I have the honour to be,

Sir,

Your most obedient Servant,

A. LANE, *Registrar.*

Charles Binns, Esq.
&c. &c. &c.

In this proceeding may be seen what has probably seldom if ever happened, a Colonial Governor, in his character of Chancellor, attempting to crush complaints addressed to the King against himself, and most audaciously presuming to sit in judgment in his own cause, and to determine on the merits of those complaints, adding at every step he took farther aggression, violence, and illegality, to conduct already over-charged with every kind of impropriety.

The insult to his Excellency which is complained of in the Registrar's letter to Mr. Binns, was nothing more than that, on hearing the Attorney-General, Mr. Johnston, say that he had listened very attentively to the whole of the proceedings in the case, and had not heard one precedent quoted in their support, nor was he aware that any existed—the audience which was very numerous burst into a shout of applause—a circumstance that has frequently happened in courts of much more dignity and consequence, without exciting any severe animadversion; but on this occasion it served the Lieutenant-Governor as an excuse for stopping short in his intended judgment against the members of the committee, being aware that he had no means of enforcing it, as the attempt to swear in sixty Irishmen recently come to the island to support his proceedings had entirely failed.

NOTE V.

In the time of Lieutenant-Governor Des Barres' administration the Council was filled in the same way, the Lieutenant-Governor's two sons, both at the time under age, and the noted Palmer, secured a majority to the Lieutenant-Governor, and between these three more than half the Colonial Revenue was divided, and the Treasury left greatly in debt when Mr. Des Barres was dismissed.

Since the Petitions were framed, Mr. Haviland, the Naval Officer of the Island, has been appointed to the Council, this was done when Lord Dalhouise, the Governor-General was expected to visit the Island in August last, that there might be a quorum, that is, five members of the Council to receive his Lordship, and do business if he should be inclined to enter upon public affairs; Colonel Grey, the senior member of the Board, being confined to his bed, there would not have been five without a new appointment.

NOTE VI.

To the Editor of Prince Edward Island Register.

SIR,

REFERRING to the prospectus which you addressed to the public in the first number of your paper, we take it for granted that you are perfectly willing to make the *Register* the vehicle of all public proceedings on the general interests of the Colony; without farther preamble, we shall therefore proceed to the following statement, which we hope will be inserted in your next number.

In June, 1822, the Acting Receiver-General of Quit Rents, John Carmichael, Esq., posted up an advertisement in the following words in the different parts of Charlotte-Town.

"*Quit Rent Office, June 26th*, 1822.

"This Office will be kept open from the first to the four-
"teenth of July ensuing, for the payment of all arrears of
"Quit Rent, due and payable within this Island. Office
"hours from ten o'clock to two.

"J. E. CARMICHAEL,
"*Acting Receiver General.*"

It would be at once seen that this notice states no demand for payment, and appears to leave it optional to persons in arrear, whether they would pay or not: accordingly it was little attended to, but by the small proprietors, some of whom recollecting the loss they had suffered in 1818, notwithstanding the proceedings of that period were disapproved of and all that had been exacted above the rate of two shillings per hundred acres, ordered to be refunded, yet as no redress was given to those whose property was sold and sacrificed to answer the demand, many people thought it safest to make payment, and it is believed, that a considerable amount was received chiefly from the small proprietors in and about Charlotte-Town; no notice was taken of those who did not pay, or any communication either from the local Government or the Acting Receiver-General ever made to them on the subject: the money received was generally understood to be applied to the payment of the costs incurred by the proceedings in 1818, which had not been previously discharged. Here it may be proper to state that when the arrangement respecting the then Quit Rents in 1816 was made, and the heavy arrears then due, were graciously given up by his Majesty, it was at the same time declared that the future Quit Rent would

be demanded on a reduced scale, then under consideration; but without waiting for the decision thereon, the Lieutenant-Governor thought fit to direct the Acting Receiver-General to proceed in January, 1818, to enforce payment of the arrears, which had occurred between June 1816, and December 1817, on the old scale, and we all remember the scene of distress with which these proceedings were attended. Notice of this state of the Colony having reached England in April following, and a communication thereon being made to Government by the Proprietors, resident in the United Kingdoms, orders were soon after transmitted from the Colonial Department to discontinue these proceedings, and to refund to the parties from whom the same had been exacted, all that had been received above the rate of two shillings per hundred acres, and that the new rate should commence from December 1816, instead of the preceding June, as formerly intimated. It was then also announced, that the payment thereof would be expected and regularly enforced in future, and such was the general expectation of the landholders; but the years 1819, 1820, and 1821, passed over without any demand being made, and several persons who were desirous to avoid the risk and inconvenience of allowing the Quit Rents to accumulate to a sum, which it might afterwards be difficult for them to discharge, if payment of the whole should be demanded at one time, tendered payment of their respective arrears to the Acting Receiver General, by whom they were informed that he had no authority to receive payment, and it was very generally believed in the Island, that unless the Quit Rents of Nova Scotia and New Brunswick were also exacted, that no further Quit Rent would be demanded from the Island, and this impression was confirmed, when it was observed that no dissatisfaction was expressed by the local Government, at the general neglect with which the Acting Receiver General's notice of June 1822, was treated by the great majority of the landholders, (which it was believed he had resorted to, without any more recent orders than the arrangement of 1818), for the purpose of enabling himself to meet the demand upon him for the costs of the proceedings he had instituted in that year, the payment of which had been recently sanctioned by the Lords of the Treasury, on the application of the Law Officers to their Lordships, after it had been refused by the Lieutenant-Governor.

In December 1822, the Acting Receiver General posted up another advertisement in a few places about the town, and it is said that a few were also sent into the country, but if so, the matter was so managed that not one tenth of the inhabitants ever heard of them, until after the time for payment therein limited had expired; the words of the notice, it will be ob-

served, are somewhat different from the June notice, but still it states no demand, and was not accompanied with any notice from the Colonial Government, stating to the public that, after so long an interval (during which tenders of payment had been so often refused), orders had been received from the proper department in England, to enforce payment of all arrears. If that mode of proceeding had been resorted to, and a reasonable time given to enable those in arrear to complete their payments, there is no person acquainted with the Island, that can for a moment doubt that it would have the desired effect; no reasonable opposition could be made thereto, and all would have complied with what was expected from them to the utmost of their means, though it is perfectly certain, that a great number would not have been able to complete their payments in fourteen days, it being utterly impossible, in the present state of the Island, to collect such a sum of money in fourteen days as four years and a half Quit Rent would amount to, though a great part of the Island is in the hands of non-resident proprietors, who have the option of making their payments in England, yet the amount of the arrears on the land of residents would exceed all the circulating medium either then, or now to be found in the Island, a truth for which we can appeal to every intelligent man in the community without fear of contradiction.

A charge of dissaffection and disloyalty against the inhabitants of the Island, it is pretty generally understood has been made at the office in England from high authority here, and it seems as if the conduct observed towards the Colony on this occasion, was intended to drive individuals into some act of opposition to legal authority, which might give a colour to the accusation; be this as it may, the Acting Receiver General's Office, was shut against all payments at three o'clock on the 14th January, some who came an hour too late had their money refused, as had many more, for a week or two after, though from a few who were so lucky as to find favour with him, payment continued to be received for a considerable time; they were told, *the intended proceeding was not meant to affect the faithful.* On the 27th January, the Acting Receiver General's bosom friend, Conn Douly Rankin, attended by Cecil Wray Townshend, the then Deputy Sheriff of the Island, was despatched to commence proceedings against the Proprietors great and small, and began their operations by taking a distress on the lands of two of the principal Proprietors on the Townships 36 and 37; without stopping or leaving any person in possession, they then proceeded rapidly to the eastern district of King's County, being one of the most populous districts in the Island, and where the greatest number of small Proprietors are resident, who had never even heard of the mischief that was coming upon them, until they found Mr. Rankin among them, with

a demand for their respective arrears, with cost and charges amounting to ten, and in some instances, to twenty years' Quit Rent, and threatening all those who refused to make immediate payment, or to secure the same by their promissory notes, payable in ten days, with the sale of their stock and lands, within that period. In this district which is situated from fifty to seventy miles from Charlotte Town, and where the greatest part of the inhabitants are Highlanders, many of them speaking no other language than their native Gaëlic, and all of them very little informed of their rights and privileges, most of them to prevent the threatened ruin, from a source against which they were without any protection, were compelled to pay or give their notes, to redeem which they were obliged to set off for the town, through deep snows, at a most inclement season, with loads of wheat and such other produce, as each was enabled to bring to market, for the purpose of raising money; the labour, fatigue, and difficulty of their journey, as all will acknowledge who were then on the Island, were such as no man would suffer for three times the value of the property they brought with them, or indeed, for any thing short of saving themselves and families from absolute ruin. The market soon became *overstocked*, and after they had submitted to a variety of insult and abusive language from the Acting Receiver General and his Deputy, their wheat was accepted in payment, at from one shilling to one shilling and sixpence per bushel under the price that had previously been current through the Island, which occasioned many to fall short of their payments; one man to complete his, was compelled to part with his worsted mittens that he had worn on his journey, to Mr. Rankin the worthy friend and deputy of the Acting Receiver General.

The impression that was generally made on the public mind by such atrocious proceedings, will long be remembered, and a number of respectable persons being determined to rouse the Colony into a proper sense of the injuries which have been inflicted on its inhabitants from the same source, addressed a letter to John Macgregor, Esq., High Sheriff, of the Island, requesting him to call a General Meeting of the inhabitants in the three counties into which the Island is divided, that they might according to the practice of the parent country, consult together for the public interest; the following is a copy of the address to the High Sheriff with his public notice appointing the desired meeting.

" *To John M'Gregor, Esquire, High Sheriff of Prince Edward Island.*

" SIR,

" We His Majesty's loyal subjects, Freeholders and House-
" holders, in different parts of this Island, in the present very

" alarming and distressing state thereof, threatened at this time
" with proceedings on the part of the Acting Receiver-General
" of Quit-Rents, the immediate effect whereof cannot fail to in-
" volve a great part of the community in absolute ruin, feel
" ourselves irresistibly impelled, *(when the Island has been near*
" *three years deprived of that constitutional protection and support*
" *which might be expected from our Colonial Legislature,)* to call
" upon you as High Sheriff of the Island, to appoint General
" Meetings of the inhabitants, to be held in the three counties
" into which this Island is divided, that they may have an op-
" portunity, according to the accustomed practice of the parent
" country, of consulting together for the general benefit, and
" joining in laying such a state of the Colony at the foot of the
" throne, for the information of our Most Gracious Sovereign,
" as the present circumstances thereof require. Trusting in
" your attachment to the general welfare, your spirit, patriotism
" and good sense, we hereby call on you to appoint a General
" Meeting of the inhabitants of each county, to begin with
" Queen's County, to be held at Charlotte Town, at as early a
" day as will suit your convenience, after the ensuing term of
" the Supreme Court, and for King's County to be held at St.
" Peter's on the same day, on the ensuing week, and for Prince
" County to be held at Prince Town, on the same day, in the
" following week. And we do also request that you will per-
" sonally give your attendance at each of these Meetings,
" whereby you will be enabled to vouch for the spirit of loyalty,
" decorum, and perfect propriety with which they will be con-
" ducted on the part of His Majesty's subjects, therein to be
" assembled."

PUBLIC NOTICE.

" Having this day received a requisition, signed by forty re-
" spectable Freeholders and Householders, calling upon me to
" hold a General Meeting of the Inhabitants of the three coun-
" ties, into which the Island is divided. I do hereby give this
" notice, that I will in conformity therewith hold a General
" Meeting of the inhabitants of Queen's County, at Charlotte
" Town on Thursday the sixth day of March next, and of
" King's County at St. Peter's, on Thursday the thirteenth of
" March, and of Prince County at Prince Town, on Thursday
" the twentieth of March, of which persons desirous to attend
" the same may take notice.

" JOHN M'GREGOR, *Sheriff.*

Charlotte Town, February 6, 1823."

Both of which being immediately printed and published, Mr. M'Gregor was in a few days after superseded in his office, that is to say, he received a letter from the Colonial Secretary to that effect, without its being thought necessary or proper to pay

any attention to the constitution of the office, or the enactments of the Colonial Statute under the authority of which it was created: his late deputy, Mr. Townshend, being directed by the Lieutenant-Governor to assume the duties of the office, and to carry on the same, without being required, as directed by the Sheriff's Act, to give any security.

On the 18th day of February, the Hilary Term of the Supreme Court commenced sitting, and Mr. Townshend began his proceedings as Acting Sheriff, by altering the panel of the Grand Jury and striking out the name of John Stewart, Esq., by suggestion of the Lieutenant-Governor, as he has since acknowledged upon his examination on oath before the Grand Jury, at the last term of the Supreme Court, and that in so doing, his conduct had met with his Excellency's warm approbation. It is needless to state the proceedings in Court on the first day of Hilary Term, which ended without either Grand or other Juries being sworn, or any other proceeding being attended to; on the next day of the term, the Chief Justice, after refusing to give any opinion on the subject, though repeatedly called upon by the Attorney-General, ordered the panel of the Grand Jury to be called over and sworn, omitting Mr. Stewart's name. During the term, petitions from various persons were presented to the Grand Jury, complaining of the conduct of the Acting Receiver-General and his deputies, Rankin and Jaques, and after hearing evidence thereon, true bills were found, first against Rankin, then against Jaques, and when the hour appointed for the trial of the first was come, and the trial about to commence, a message was delivered to the Attorney-General in Court, by the Acting Receiver-General, (Secretary of the Island,) requiring, his attendance on the Lieutenant-Governor, on which he left the Court with the Solicitor-General, and on their return, it appeared that the trial of Rankin was not to proceed, and nothing was done towards bringing Jaques to trial, and, though a second presentment was made by the Grand Jury against Rankin on different grounds from the first, nothing has ever been done to bring him to trial; indeed, it will be very generally remembered, that the day on which Rankin's trial was expected to come on in February, it was currently reported that the Attorney-General would be immediately suspended if he presumed to bring him to trial.

On the 6th March the General Meeting of Queen's County, appointed by the High Sheriff, took place at Charlotte Town, which was very numerously attended, considering the season and the state of the roads from the depth of snow on the ground as well as the various extraordinary exertions that were resorted to for the purpose of keeping persons from attending it, and the proceedings were conducted with the utmost order and regularity, when a number of resolutions were brought forward

and passed without one dissenting voice, containing various charges against His Excellency Lieutenant-Governor Charles Douglass Smith, and a Committee was appointed to embody the whole in a petition to be addressed to our beloved Sovereign King George the Fourth; this petition has been since completed and being submitted to the inhabitants of the county has been very generally signed, and will soon be transmitted for presentation. The General Meeting of the inhabitants of King's County took place at St. Peter's on the 13th March, and was numerously attended and conducted with the utmost decorum, when a number of Resolutions were adopted, embracing part of those agreed to at the General Meeting of Queen's County, with others on subjects which particularly affected the inhabitants and landholders of King's County, these have been formed into a petition to the Throne, concluding as the petition of Queen's County does, with an humble prayer for inquiry and the removal of the Lieutenant-Governor from his office.

The General Meeting of Prince County took place at Prince Town on the 20th March, under the same circumstances, and with similar results, the Resolutions adopted thereat embraced some objects that were not included in the proceedings of the two other Counties, and the petition to the King formed thereon, concludes with a prayer for the removal of the Lieutenant Governor, and also Mr. Chief Justice Tremlett, from their respective offices, and as well as the petitions from King's and Queen's County, with the evidence in support of the whole now nearly completed, will be transmitted for presentation, and we have also determined to print the whole of the County Resolutions for circulation, that the state and condition of this Island under the present administration of its Colonial Government may be disclosed to our fellow subjects in general.

We now think it our duty to state the farther proceedings that have taken place for enforcing payment of the Quit Rents. The long delay that had occurred in demanding payment from June 1818 to June 1822, according to the arrangement announced at the former period, and the repeated refusal of the Acting Receiver-General to receive payment from various persons, who, as already noticed, were desirous to avoid the risk and inconvenience of permitting their Quit Rents to accumulate to an amount which it might be difficult to discharge, very naturally excited a suspicion that when the Receiver-General commenced his proceedings in January last, he was not in possession of any recent orders from the Lords of the Treasury to proceed in the collection, and that the business originated solely with the Lieutenant-Governor without any farther communication from their Lordships than the arrangement of 1818, (now so long neglected by himself,) with a view of making his success therein useful towards persuading his Majesty's ministers not to

abandon or give up the Quit-Rents to the Colony, as had been rumoured and was expected, unless the Quit-Rents of the neighbouring Colonies were also exacted. Under this impression it became extremely desirable to know how the matter really stood, and with that object in view, Mr. D. M'Donald and Mr. J. Stewart, two of the principal resident proprietors, made a personal application to the Acting Receiver-General, requesting that he would inform them on what authority he had gone so far as to distrain their property, to which he would give no other answer than that he had proclaimed himself six years before to be the Acting Receiver-General, and that no person could doubt his authority; and this answer he persisted in, though Mr. Stewart assured him, that if he would shew that he was acting by their Lordships' authority, that he would not only pay himself, but that he would also do all in his power to induce others to do the same.

In February, proclamation was made at the Hilary Term of a number of Lots and shares of Lots in arrear, and also of many Town and Pasture Lots, and at the Trinity Term in June, judgment was obtained against the whole with one or two exceptions.

Here it may be proper to state, that notice having reached England, as on the former occasion in April, of what was going on here, the orders of Government thereon were received here three days before the motion for judgment was made in Court on the 7th July, and it might have been expected after the general alarm that had been excited in the Colony relative to these proceedings, that some attention would have been paid to the public feelings, and a communication of the views and intentions of Government relative to the payment of the Quit Rents made as on former occasions by public Proclamation, instead of which a dead silence was observed by the local administration, and it could only be known by inference grounded on the following notice, that any order had been received on the subject.

"Quit Rent Office, Charlotte-Town,
"July 5th, 1823.

"Whereas Proceedings under the Statute for the receiving of "His Majesty's Quit Rent due and payable within this Island, "have been taken against certain parts and parcels of land "within the same,

"PUBLIC NOTICE

"is hereby given to the proprietors of the lands, that upon ap- "plication at this Office, any day previous to the Sale of the "said land, and paying one year's Quit Rent upon the same, "together with the Costs incurred, all further proceedings for "the remaining arrears will be for the present stayed.

"J. E. CARMICHAEL.
"Act^g Rec^r General."

This notice though dated on the 5th July, the day after the arrival of the May mail, was only published on the 7th, and on the same day the Acting Receiver General, went into Court, and obtained judgment for four and a half years' arrears against various shares of Township Lands, and a considerable number of Town and Pasture Lots in Charlotte-Town *.

Quit Rent Sales, 27th August, 1823.

Conditions of Sale.

"1st. Money to be paid on delivery of the Deeds of Convey-
"ance, and the deeds to be delivered to the purchasers at the
"Sheriff's Office in Charlotte-Town, on the 3d day of September
"next.

"2d. In case of any dispute who is the highest purchaser, the
"lot or land shall be exposed again.

"3d. In case any purchaser shall fail in the payment, the lot
"or land shall be again sold at the risk and cost of the purchaser
"so failing to pay.

"4th. A deposit of 20 per cent. to be paid on all purchases
"not exceeding £50, and 10 per cent. on all above.

"5th. Purchasers of parts of Townships to make their choices
"and bring descriptions to the Sheriff's Office on or before the
"12th day of Sept. next. 20 chains front to each 100 acres will
"be allowed on any water or road front—other lands to be
"taken in a square block †."

It being asked how the purchasers were to know or find out the property which they might purchase, or how the same could be described in the Sheriff's Deed, Mr. Sims, the Deputy Sheriff, answered that the purchasers would be permitted to choose their respective quantities on any part of the Township in which they might purchase, then in arrear, and bring their descriptions to the Sheriff by a certain day, when they would

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* Three days after the receipt of orders from the Colonial Department, to suspend all proceedings except for the Quit Rents of the current year; but obedience to this order would have incurred the loss of the costs; and on the 27th August, the sale of parcels of these Township Lands took place at the Court-House, when the above terms and conditions of sale were read to the audience.

† Thirty chains front per hundred acres is double the allowance of frontage generally given on the Island, as the Townships are generally very long in proportion to their breadth, the front of a thousand acres, at this rate, will in many cases take up the front of a Township of twenty thousand acres.

receive his deeds for the same; *on the first parcel being sold though it brought more than was required to satisfy the judgment against the Township, the Acting Receiver General insisted that the whole of the lands included in the judgment should be set up and sold, but this the Deputy Sheriff absolutely refused to comply with,* and the sale of the remainder was conducted in the same way, parcels such as appeared to be sufficient to satisfy the different judgments being set up and sold, with the exception of the Township, No. 47, 850 acres of which were set up to satisfy a debt of *seventeen shillings, with costs of suit on the same, amounting to the sum of* 24*l.* 7*s.* 8*d.**

Here we have to state as was publicly done at the sale, that *on all these lands ample means might have been found to satisfy the arrears of Quit Rent by distress as directed by the Colonial Quit Rent Statute,* under the authority of which these proceedings were pretended to be carried on, but the directions thereof were entirely dispensed with, no distress having been taken in any instance though in most cases the occupiers of these lands were in arrears to their respective proprietors much more than would satisfy the arrears of Quit Rent.

The sale of the town and pasture lots of Charlotte-Town, produced apparently a considerable sum, there being a struggle between the proprietors and the connexions of the local Government on the occasion, *chiefly the Lieutenant-Governor, sons, and sons-in-law,* the latter being evidently desirous to make them sell high, that it might appear as if there was abundance of money in the country, and that no difficulty existed in obtaining payment of the Quit Rents.

In such proceedings it may be seen that something very different to securing payment of the Quit Rents, with as little injury as possible to the landholders was the real object, to wit, the costs and the hope of creating confusion of titles, dissensions, and contending interests among our fellow-subjects, and thereby providing abundance of employment for the Court of Chancery.

We shall not at present carry this detail farther, than to inform the public that a letter has been recently received from a respectable proprietor, dated London, July 12th, by which it appears that instructions have been transmitted to the local administration here, to suspend all proceedings except for the Quit Rent of the current year, and that " as no regular Receiver has

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* *Mrs. Clark, a widow with a large family, left in difficult circumstances, had six town and pasture lots sold for an arrear of about six pounds, the costs on which amounted to one hundred and five pounds.*

" been appointed by the Treasury, the Lieutenant Governor is " authorized to nominate an Acting Receiver, and to him it will " be proper to pay the Quit Rents for the year; the arrears for " 1819, 1820, 1821, and 1822, are not, I believe, to be claimed " at present; it will, however, be very important to pay the Quit " Rent for 1823. It was certainly understood when the arrears, " previous to 1818, were given up, that a punctual payment of " the Quit Rents, on the reduced scale then decided on, would be " expected and enforced, had the demand been unaccompanied by " law proceedings to swell the amount. I therefore do not think " we could reasonably have complained; these law charges are " now, I believe, to be abandoned, as well as the arrears before " the present year, or at least the payment of these last are to be " suspended." Whether the information herein communicated will turn out to be in every respect accurate, will soon be known; however, in the mean time, it will be gratifying to the public at large to know, that the proceedings here have attracted the attention of Government in England, from which we may confidently expect the redress of all our grievances, and that the administration of our Government will no longer be left in the hands of a person who has taken upon *himself* to suspend the Legislature of the Colony for more than three years, and conducted himself towards his Majesty's subjects in the manner stated in the Resolutions of the County Meetings*.

NOTE VII.

RESERVATION FOR CHURCH AND SCHOOL LAND.

In the Grants from the Crown of the different Lots or Townships of the Island, there is a Reservation of one hundred acres for the site of a Church, and as a glebe for a Minister of the

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* The above address to the public of Prince Edward Island, was signed by Ten of the Members of the County Committees, on the 10th September last; the language of it has by some been called inflammatory, and tending to occasion disorder and opposition to legal authority in the Colony; that such was neither the intention nor the effect of its publication, may be fairly inferred from the result, as not one instance of disorderly conduct or disobedience to lawful authority, has appeared since its publication, notwithstanding the extraordinary proceedings adopted by the Lieutenant-Governor on the subject.

Gospel, and thirty acres for a Schoolmaster, without saying when or where these reservations were to be taken.

The reservation has always been understood to be intended for the Church of Englaud exclusively; but there having been until lately only one Minister of the Church of England in the Island, who was settled at Charlotte Town, these lands have not been claimed, and no attempt was ever made to locate them until the year 1815, when Lieutenant-Governor Smith directed the Surveyor-General Mr. Wright to lay them out; to this there could be no *farther* objection provided the location was honestly made, than that it was incurring a considerable expense upon an object not likely to be wanted during the existence of any person now living.

The following summary of the mode in which this business was conducted will shew the spirit and feeling towards *individual proprietors* which prevailed on the occasion. In the Township, No. 48, consisting of 23,600 acres, originally granted in two equal halves, the whole of the Reservation has been taken out of the property of *Mr. John Stewart*, consisting of 3,700 acres parcel of the *western moiety* of the Township; in the Township, No. 38, consisting of 20,000 acres, the whole of the Reservation has been taken out of a tract of 1100 acres, the property of the *same person*. On the Township, No. 45, originally granted in *severalty*, the whole Reservation has been taken out of *one half* of the Township, *which is also the property of Mr. Stewart*, and the site of a Protestant Church, with the Ministers glebe, placed in the midst of a Roman Catholic population. In Lot 46, the whole Reservation has been thrown upon *one half* of the Township, and not one acre taken out of the other half. In the Township, No. 39, the property of Charles and Edward Worrell, the Reservation has been taken partly out of farms, *long under lease and cultivation*, without the smallest allowance for the loss and inconvenience to which the Proprietors are thereby subjected, and persisted in notwithstanding they pointed out other lands, equally well situated, which they were desirous should be taken. In the Township, No. 42, held in halves, the whole of the Reservation was laid out on the *eastern half*, and located on *a Farm long occupied and improved*, and proceedings in Chancery commenced against Lieutenant-Colonel Yonge, the tenant in possession, as for a trespass on crown lands, and there is no doubt but he would have been turned out and saddled with heavy costs, had not Lord Bathurst, on the case being stated to the Colonial Department, directed the proceedings to be discontinued, and that without subjecting Colonel Yonge to any costs, in consequence of which *the expense* of this most oppressive proceeding has been thrown on the *Colonial Treasury* of the

Island *. In the Township, No. 36, the Reservation has been taken out of the *domain* of the principal proprietor, so as to prevent the extension of his cultivation, and to deprive him of timber and fire-wood for his domestic use, coming close to his back fences; and though the hardship of the case was clearly stated, and Mr. Macdonald offered land in every respect equal in value for the object of the Reservation, no redress could be obtained; the Lieutenant-Governor, in answer to his application, stating *that it was done and should not be undone*, although there is not the smallest appearance that the Reservation will be wanted for a century to come. Sufficient is here stated to shew the spirit in which this business has been conducted; many other cases of equal hardship might be mentioned; and it is only necessary to state farther, that in no case has the smallest attention been paid to the object of locating these Reservations so as to provide for placing the future Church and School in a central situation, that the same may be at an equal distance from all the Inhabitants of a Township.

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* In like manner the costs of escheating the Townships 15 and 55, amounting to upwards of one hundred pounds, have been thrown on the Colonial Treasury, by a Warrant of the Lieutenant Governor in favour of his son-in-law, Mr. Carmichael, the Acting Receiver General of Quit Rents.

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